REMARKS/ARGUMENTS

Claims 1-24 and 26-38 were previously pending. As noted above, no claims have been amended, no claims have been canceled, and no claims have been added. Thus, claims 1-24 and 26-38 remain pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 102

Claims 1, 2, 7, 9-11, 14, 15, 18-21, 24, 26, 27, and 30-36 are rejected under 35 USC § 102(a) as being anticipated by Bauer (European Patent Publication No. EP 1133201 A1). Applicants respectfully traverse this rejection.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."[1]

Bauer fails to disclose or suggest, "the controlling means being arranged <u>to receive parameter data from the segmenting means</u> pertaining to the segmented data frames and radio link resources data from the transmitting means pertaining to the transmission of data frames, to calculate a high watermark value and a low watermark value <u>in response to the received parameter data and radio link resources data</u> corresponding to maximal and minimal numbers of data frames to be buffered in the buffering means, and <u>to control the segmenting means to maintain the number of data frames in the buffering means between the high and low watermark values</u>" (Emphasis added), as recited in independent claim 1, with similar language used in independent claims 14 and 26.

First, rather than disclosing receiving parameter data from the segmenting means, Bauer teaches a "DL requests scheduler 26 [that] allocates resources, i.e. it decides which is the next MS 22 to be connected over the link 24; it requests additional timeslots when the timeslot trigger TS(u) is activated on connection (3)-(3), and it returns timeslots when they are no longer required." (See, e.g. Bauer, Paragraph [0005]) (Emphasis added). As such, rather than

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[1] *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999)(*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

responding to received parameters, the DL requests scheduler "decides," "requests," and "returns" without receiving commands and/or parameters.

Second, rather than disclosing calculating the high and low watermarks in response to the received parameters, Bauer teaches a "BVC flow controller 32 [that] then calculates the desired bit rate to be received from the SGSN using as inputs the queue length and the former bit rate value sent in the BVC flow control message where the request to reduce the rate is sent to the serving node." (See, e.g. Bauer, Paragraph [0029]). As such, a "desired bit rate" is calculated in Bauer, while "a high watermark value and a low watermark value" is calculated in the claimed subject matter.

Third, rather than disclosing controlling the segmenting means "to maintain the number of data frames in the buffering means between the high and low watermark values," Bauer teaches sending "a BVC flow control message over connection 46 through the interface Gb to the SGSN, requesting that data is sent at a lower bit rate." (See, e.g. Bauer, Paragraph [0029]). In other words, rather than controlling the segmenting means, Bauer discloses sending a message to the SGSN to alter the data flow rate. As such, Bauer neither discloses nor suggests the recited subject matter.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 7, 9-11, 14, 15, 18-21, 24, 26, 27, and 30-36 USC § 102(a) as being anticipated by Bauer.

Claim Rejections – 35 USC § 103

Claims 3, 4, 12, 16, 17, 22, 23 28, 29, 37 and 38 are rejected under 35 USC § 103(a), as being obvious over Bauer in view of Rajaraman (US Patent No. 5802310). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.[2]

As noted above, Bauer fails to disclose or suggest the subject matter as presently recited. The addition of Rajaraman fails to cure the above-discussed deficiencies in Bauer.

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[2] MPEP, section 2142.

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Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 3, 4, 12, 16, 17, 22, 23 28, 29, 37 and 38 USC § 103(a) as being obvious over Bauer in view of Rajaraman.

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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